City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2401092

Applicant Name: Seattle School District Number One

Address of Proposal: 10750 30th Ave. N.E.

SUMMARY OF PROPOSED ACTION

Master Use Permit to enhance the stream buffer of a segment of the southern branch of Thornton Creek between N.E. 30th St. and N.E. 35th St. The project includes removal of blackberry bushes and other invasive, non-native species and replanting with appropriate native species. Determination of non-significance prepared by the Seattle School District.

The following approvals are required:

SEPA - To condition pursuant to Seattle's SEPA policies. Chapter 25.05, Seattle Municipal Code. (DNS prepared by Seattle School District)

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with Conditions*

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

*A Determination of Non-significance was issued by the Seattle School District based upon their SEPA Checklist dated December 2003.

BACKGROUND DATA

Site and Vicinity Description

The project site is located in the Meadowbrook neighborhood of North Seattle. The South Branch Thornton Creek, also known as Maple Leaf Creek, is a tributary to Thornton Creek in the Thornton Creek Watershed. The project site extends along an approximately 170-foot section of the South Branch Thornton Creek, directly east of 30th Avenue N.E. within the Nathan Hale High School property. Landscape enhancements would occur on both banks of the stream, with the landscaped area extending from 15 to 40 feet in width on the south side of the stream and approximately 20 feet in width on the north side of the stream. The project site is identified as a flood prone area by the City of

Seattle and also falls within a 100-year floodplain. Flooding problems have been identified in the project vicinity along South Branch Thornton Creek.

The South Branch Thornton Creek is fed by wetlands, ponds, surface runoff, and groundwater from the Northgate area in Seattle. The stream corridor within the Seattle School District property is a lowland stream with low gradient, and is dominated by riffle habitat with subdominant glide habitat. Stream banks are largely armored (protected from erosion) with boulder riprap. A narrow vegetated riparian zone approximately 30 feet in width lines the South Branch on the Nathan Hale property. The stream substrate consists of large and small gravel, with boulders interspersed throughout the streambed. No surface indications or history of unstable soils in the immediate vicinity of the project area exist.

Land use surrounding the project area consists of one- to two-story single-family residences to the west of the project area across 30th Avenue N.E., a paved driveway associated with Nathan Hale High School to the north, a 128-stall parking lot to the south, and the extension of South Branch Thornton Creek and riparian area to the east.

The Seattle School District will construct a new auditorium at Nathan Hale High School beginning in July 2004, which would overlap the construction schedule of the Thornton Creek Pilot Project. The auditorium will be located on the southwest corner of the school property, approximately 80 to 100 feet from the stream enhancement project area on the north side of South Branch Thornton Creek.

Proposal Description

The project proposes to enhance the existing stream buffer for the reach between 30th Ave. N.E. and 35th Ave. N.E. The District proposed to accomplish the work along an approximately 170-foot reach of stream buffer along South Branch Thornton Creek through the removal of blackberries and invasive non-native weeds and grasses and installation of various trees, shrubs, and groundcovers. The remainder of the stream segment will be restored through volunteer efforts of interested citizens.

Vegetation would be removed through non-mechanical means, using only hand held tools. Heavy machinery or vehicles would not infringe upon the stream buffer. Existing coniferous and deciduous trees within the project area would remain. New vegetation would be installed within the project site on both north and south side of the stream. All new plant material will be healthy, nursery-grown-only stock. The landscape contractor will not use weak or damaged plants. Stream buffer enhancement would extend from approximately 15 to 40 feet to the south of the stream and approximately 20 feet north of the stream along the project area. All planting will be done in mid-to-late fall, to avoid the necessity for supplemental watering.

No grading along the stream bank or placement of fill would be included as part of this project. However, erosion could occur as soils within the project area are disturbed during vegetation removal and installation of new vegetation. Erosion control measures, such as installation of silt fences to protect the stream, would be used during construction. A seed mix of native grass seed will be used to stabilize disturbed soils.

A three and a half foot high split rail fence will be installed along the perimeter of the enhancement area. In addition, as part of the project, educational design features will be placed at the project site. These features will include signboards to inform residents of measures that can be implemented in backyard situations to improve water quality within the local drainage basin. Signboards will also display pictures

and information related to noxious plants identified in the South Branch Thornton Creek stream corridor.

The Seattle School District will provide up to three years of maintenance of its segment of the project site to ensure successful maturity of the new landscaping. Maintenance will include managing invasive plants without use of chemicals, installing supplemental plantings as needed, and providing irrigation during unseasonably dry periods.

Public Comments

No comments were received by DPD during the noticed SEPA comment period, March 25, 2004 to April 7, 2004.

Analysis – Vegetation and Tree Removal Permit

A Vegetation and Tree Removal Permit will be required pursuant to the provisions of the Seattle Municipal Code (SMC 25.09.320) for tree or vegetation removal in an environmentally critical area (ECA). The City of Seattle designates the stream buffer associated with South Branch Thornton Creek as an ECA. The following circumstances would be considered as outlined in the permit description in the SMC:

The applicant shall justify the need for tree and/or vegetation removal.

The proposed project would improve existing conditions along the South Branch Thornton Creek buffer through removal of existing non-native plant species, including Himalayan blackberry and reed canarygrass. Existing vegetation does not provide adequate overhanging vegetation to contribute to shading or food for fish using the stream. Removal of existing vegetation is imperative to create space for the new vegetation that will increase the density and diversity of vegetation in the stream buffer, increase the structure and food-value of habitat for wildlife, improve water quality through increased sediment retention by native plantings, increase fish food chain support and refugia with overhanging vegetation, and decrease temperatures in the stream by increased shading.

The applicant shall demonstrate that any tree and/or vegetation removal shall not adversely affect stability, erosion potential, existing drainage conditions, and/or fish and wildlife habitat areas on-site, on adjacent sites, or within the drainage basin.

The intent of the project is to improve the existing stream buffer stability and erosion potential through the use of vegetation that will strengthen soil conditions through increasing the density of vegetation. If the stream happens to flood after plantings are installed, new soils and plantings could erode. Vegetation will eventually be less susceptible to flooding as it becomes established. Fish and wildlife habitats would be improved through implementation of the project.

The applicant shall demonstrate that the activity shall not be a precursor of a later development proposal, unless a plan is approved by the Director for public safety reasons and/or except to conduct soil testing subject to DPD's Director's Rule for Investigative Field Work in Environmentally Critical Areas.

The project would occur over an approximately 170-foot section of the South Branch Thornton Creek buffer at Nathan Hale High School, whereas the stream reach adjacent to the school extends approximately 700 feet. Subsequent stream buffer enhancement along the school property could be proposed at a later time.

The Director may require a vegetation and tree removal and replacement plan and may otherwise condition the permit to protect the public health and safety and prevent harm to the affected environmentally critical area.

The *Nathan Hale High School South Branch Thornton Creek Riparian Buffer Enhancement Plan, Pilot Project* SEPA Checklist includes a detailed mitigation plan that identifies the specific trees that would be retained and specific types of vegetation that would be included as part of this project and where they would individually be planted.

Analysis – SEPA

Environmental impacts of the proposal have been analyzed in the SEPA Checklist prepared by the Seattle School District. Seattle Municipal Code Section 25.05.660 provides that proposals can be conditioned or denied in order to mitigate environmental impacts. All conditions must be related to impacts identified in supporting environmental documents, based on adopted policies, and must be reasonable and capable of being accomplished. This proposal is reviewed under that substantive SEPA authority.

Disclosure of the potential environmental impacts from this project was made in the SEPA Checklist referenced above. This information, supplemental information provided by the applicant (landscaping plan, written descriptions of the project, environmental documents), and the experience of this agency with review of similar projects form the basis for this analysis and conditioning.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The overview policy states in part:
"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

The following temporary or construction-related impacts could be expected: erosion into South Branch Thornton Creek as soils are disturbed during vegetation removal and installation of new vegetation; a small increase in fugitive dust from soil disruption; potential erosion of newly-installed vegetation and soils if the water level in South Branch Thornton Creek reaches the project site during flooding; and noise from contractors' vehicles and equipment. Due to the temporary nature and limited scope of

these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are the Stormwater, Grading, and Drainage Control and the Environmental Critical Areas ordinance. Compliance with these applicable codes and ordinances will reduce or eliminate short-term impacts to the environment and they will be sufficient without conditioning pursuant to SEPA policies. Further discussion of short-term earth related impacts follows.

Earth

A short-term impact may include erosion as soils are disturbed during vegetation removal and installation of new trees, shrubs, and groundcovers. Soils could reach the South Branch Thornton Creek if not properly retained within the project site. Further, although there are no surface indications or history of unstable soils in the immediate vicinity of the project site, sections of the non-armored stream bank show signs of erosion and undercutting. These areas are vulnerable to erosion into the stream if directly affected.

Long-Term Impacts

No negative long-term or use-related impacts are anticipated from the proposed project. The proposed project is intended to benefit the existing riparian buffer within the Seattle School District Property. The split-rail fence that would be constructed would protect the enhancement area as it matures.

CONDITIONS – SEPA

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to contractors. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weather proofing material and shall remain in place for the duration of construction.

1) Hold a pre-construction meeting on-site with the construction contractor and a professional biologist to discuss the construction methods.
2) Establish clearing limits by flagging with a continuous length of survey tape or fencing prior to construction. During construction, no disturbance beyond the clearing limits shall be permitted.
3) Implement Temporary Erosion and Sediment Control (TESC) measures, including but not limited to, use of silt fences or straw bales to prevent suspended particles from leaving the construction zone. The contractor will repair any damage to the erosion control facilities or materials until all construction has been approved.

4) Confine all stockpiling of plant material and construction activity to the construction areas designated and approved for construction-related operations.
5) Maintain erosion control measures throughout the site until bare soils have been successfully vegetated and approved by a professional biologist.
6) Discontinue mowing and extreme clearing practices within the stream buffer, to allow for native plant growth within the stream buffer.
7) Invasive non-native weeds, grass, berry vines, and other noxious plants will be carefully removed by mechanical means utilizing hand tools. No motorized equipment will be used during vegetation removal.
8) To ensure successful maturity of the new landscaping along the South Branch Thornton Creek riparian area, the Seattle School District will allocate funding on a contract separate from this project for up to three years of maintenance.

Signature: (signature on file) Date: July 26, 2004

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Department of Planning and Development

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